

**ASSEMBLY BILL**

**No. 2593**

**Introduced by Assembly Member Keene**

February 24, 2006

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An act to add Section 512.7 to the Labor Code, relating to compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2593, as introduced, Keene. Compensation: meal periods: transportation industry.

Existing law prohibits an employer from requiring an employee to work during any meal or rest period mandated by an order of the Industrial Welfare Commission and establishes penalties for an employer's failure to provide a mandated meal or rest period.

This bill would permit parties in the transportation industry to establish by a collective bargaining agreement an off-duty meal period and an on-duty meal period, where the agreement also provides for a premium rate for overtime hours and a specified regular hourly rate.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 512.7 is added to the Labor Code, to
- 2 read:
- 3 512.7. (a) In the transportation industry, the parties to a valid
- 4 collective bargaining agreement covering commercial drivers
- 5 may establish, by the express terms of that agreement, the
- 6 following:

1 (1) An off-duty meal period that commences after no more  
2 than six hours of work.

3 (2) The circumstances under which commercial drivers may  
4 qualify for an on-duty meal period.

5 (b) Except as to terms that the parties establish pursuant to  
6 subdivision (a), employers in the transportation industry shall  
7 provide off-duty and on-duty meal periods in accordance with  
8 Section 512 and the applicable provisions of Wage Order 9 of the  
9 Industrial Welfare Commission.

10 (c) The provisions of this section apply only if the collective  
11 bargaining agreement covering commercial drivers provides for  
12 premium wage rates for all overtime hours worked and a regular  
13 hourly rate of pay for commercial drivers of not less than 30  
14 percent more than the state minimum wage.